

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL HEFLIN,

Plaintiff,

vs.

CIV. NO. 2:19-cv-00254-SMV

**ANDREW SAUL,
Commissioner of Social
Security,**

Defendant.

ORDER

The Court, having reviewed the parties' Stipulated Motion for Award of Attorney Fees Under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 (Doc. 27), HEREBY ORDERS that attorney fees be awarded under the EAJA, payable to Plaintiff in care of his attorney in the amount of \$4,400.00. *See Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).



STEPHAN M. VIDMAR
UNITED STATES MAGISTRATE JUDGE

SUBMITTED AND APPROVED BY:

Filed Electronically 2/26/20

STEVEN W. MARTYN

Special Assistant United States Attorney

Electronically Approved 2/26/20

AMBER L. DENGLER

Attorney for Plaintiff